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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE G. C. BHARUKA

WRIT PETITION NO. 13471/1998

BETWEEN:-

Shivashankaraiiah
aged about 36 years,
S/o late Siddalingaswamy,
R/o Soolikere, Bangalore,
South Taluk, Bangalore-560 060.

..PETITION

(By Sri S. G. Bhat, Advocate)

AND:-

Bangalore Metropolitan
Transport Corporation
By its Managing Director,
Shantinagar, Bangalore-560 027.

..RESPONDENT

* * *

This Writ Petition filed u/a 226 of the Constitution of India praying to Direct the respondent to entrust to the petitioner office duties and duties of Conductor other than line duty on bus routes.

This Writ Petition coming on for preliminary hearing this day, the Court made the following:-

O R D E R

Heard Mr. S.G. Bhat, learned counsel for the petitioner.

2. The present writ petition has been filed by the petitioner for direction upon the respondent to entrust him only office duties and duties of conductor other than line duty on bus routes on the ground that his physical condition is not befitting to discharge the duties of conductor.

3. It appears that the petitioner was appointed as a conductor in the respondent Corporation during September 1980. Now, after bifurcation of the Corporation, he is serving the respondent Bangalore Metropolitan Transport Corporation in the same post. It seems the petitioner is presently working discharging ministerial works instead of serving as a bus conductor on bus routes. The General Manager of the respondent having learnt about the fact that 18 conductors are working in the office instead of bus routes, under communication dt. 30.3.1998 (Annexure 'E') has directed for deputing them to discharge the duties of conductor. Though the name of the petitioner is not included in the list, apprehending that pursuant to the said direction he may be sent to discharge the duties of conductor, he has approached this Court for the relief referred to above.

4. After hearing the learned counsel for the petitioner, I am of the opinion that the writ petition is premature since no order appears to have been passed so far giving him posting of conductor and more over if any such duty is

assigned, then he may represent before the concerned authorities that because of physical disabilities his duty should be changed befitting his physical conditions. On receipt of the representation of the said nature having been made the concerned authorities may consider the same in accordance with service regulations framed by the respondent Corporation and pass appropriate orders. Admittedly, the petitioner has nowhere stated in the writ petition that he has filed any representation.

5. In the said view of the matter, no relief as claimed in the writ petition can be granted. The writ petition is dismissed.

Sd/-
JUDGE



jsk/-